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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,367	05/08/2001	Glenn Eric Bailey	ZL327-01008	2375
22884	7590	11/01/2004	EXAMINER	
MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			ZEADE, BERTRAND	
		ART UNIT	PAPER NUMBER	
			2875	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/851,367	BAILEY ET AL.
	Examiner	Art Unit
	Bertrand Zeade	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 26,27 and 39 is/are allowed.
- 6) Claim(s) 1,3-25, 28-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-14, 21-39 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the collecting reflector of claim 21, central and side reflector sections cited in claims 5, 12 and 23, the plurality of surfaces stated in claims 6 and 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the collecting reflector fits over the reflector assembly.

This is in light of claim 21 which recites that the collecting reflector is a part of the lens and that the reflector assembly is a different element. There is no action on the merits with respect to claim 24 because of claim indefiniteness.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,3-6,8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Buckmaster (U.S.6045232).

Buckmaster (6045232) discloses an apparatus for providing emergency and night lighting having:

Regarding claim 1 as shown in (figs.4,6) of Buckmaster, a housing or casing (48) and a cover (42) fitting over the housing to form an interior space in the housing (48), the cover (42) having an opening to allow light from a directional lamp (18) to be directed therethrough, the cover (42) fitting over the housing such that the recessed equipment luminaire (18) may be mounted behind a flat surface with only the cover (42) visible. It has been held that the functional "may be" statement does not define any structure and accordingly can not serve to distinguish, but "may be" gives the broadest interpretation as it is not positively recited", a battery or power source (104), a charging/emergency switching circuit (66) electrically connected to the battery (104), the lamp (18) being electrically connected to the battery (104), a charging/emergency switching circuit (66) electrically connected the battery (104), and a reflector assembly (60) mounted to the cover (42) along the light path between the directional lamp (18) and the cover opening, the reflector assembly (60) having a reflective surface which redirects a portion of the light emitted from the directional lamp (18), the directional lamp (18) having a light source source, and a reflectorized bowl, the directional lamp (18) being electrically connected to the battery (104) through the charging/emergency switching circuit (66).

Regarding claim 3, the reflector assembly (60) is substantially semi-frustoconical in shape and is oriented partially around the directional lamp (18) with a wide end proximate to the directional lamp (18).

Regarding claim 4, the reflector assembly (60) has a central reflector section surfaces which approximate the semi-frustoconical shape.

Regarding claim 5 as shown in figs. 3-4), the reflector assembly (60) has a central reflector section and side reflector sections (not numbered). The central reflector section sloping downward from the top of the directional lamp (18) to the cover opening or door (20). The reflector section located on either side of the central reflector, the side reflector sections sloping downward and outward from the central reflector to the cover or lens (42).

Regarding claim 6 as shown in figs. 3-4), the central reflector section has a plurality of reflecting surfaces which redirect light (18) to specific regions.

Regarding claim 8, the cover opening (42) is circular, the reflector assembly (60) is in a fixed relation with the directional lamp (18), and the reflector assembly further has a circular front edge which is rotatably engaged by the cover along the circular or shoulder.

Regarding claim 10 as shown in (fig. 4), a housing (48), a directional lamp (18) mounted within the housing (48), the directional lamp (18) being aimed at the conical area. A cover or lens (42) having an opening to allow light from the lamp (18) to be directed toward the oblong shaped area mountable to the housing may be mounted recessed behind, a flat surface with the cover substantially aligned with the flat surface. A reflector assembly (60) mounted within the housing (48) along the light path between the directional lamp (18) and the cover (42) opening. The reflector assembly (60) being substantially semi-frustoconical in shaped oriented with a wide end proximate to the directional

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lamp (18), and having a reflective surface which redirects a portion of the light emitted from the directional lamp (18) toward the oblong shaped area, wherein the cover opening is circular, the reflector assembly is in fixed relation with the directional lamp. The reflector assembly further has a circular front edge which is rotatable by the cover along the circular opening, whereby an alternate area may be illuminated by rotating the reflector assembly and the directional lamp with respect to the cover (42)

Regarding claim 11, the reflector assembly (60) has a plurality of planar reflecting surfaces which approximate the semi-frustoconical shape (see figs. 2-3).

Regarding claim 12 as shown in figs. 3-4), the reflector assembly (60) has a central reflector section and side reflector sections (not numbered). The central reflector section sloping downward from the top of the directional lamp (18) to the cover opening or door (20). The reflector section located on either side of the central reflector, the side reflector sections sloping downward and outward from the central reflector to the cover or lens (42).

Regarding claim 13 as shown in figs. 3-4), the central reflector section has a plurality of reflecting surfaces which redirect light (18) to specific regions in the conical shaped area.

Claims 7, 9,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckmaster (6045232) in view of Brass (U.S.4729075)

Buckmaster discloses the claimed invention except for a louvered lens. However, Brass ('075) discloses a constant zone reflector for luminaries and method having:

Regarding claims 7,14, the unit equipment luminaire (10) having a louvered lens (19) placed in the light path between the directional lamp (11) and the cover opening (col. 6, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus for providing emergency and night lighting of Buckmaster ('232) with the louver-lens taught by Brass ('075), since the louver-lens of Brass ('075) would create a uniform light pattern, on a visual task field while simultaneously providing sharp cutoff of high angle direct glare and luminaire brightness.

Regarding claim 9, while Buckmaster does not disclose two reflectors, he does disclose two lamps. It would have been obvious to one having ordinary skill in the art to add a second reflector to Buckmaster, since applicant has not established that a second reflector is critical.

Claims 25,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckmaster in view of Yu (U.S.4885666).

Buckmaster discloses an emergency light unit with a charger/emergency switching circuit. Buckmaster does not disclose a battery box.

Yu ('666) as shown in (fig. 1) discloses a battery box having two batteries. The battery box has top, back and side walls. There is a top piece (5) that has flanges (23) to hold the piece in place.

It would have been obvious to one having ordinary skill in the art to use the battery box of Yu for the device of Buckmaster, since providing a box for the batteries enables the batteries to make electrical contact to supply power to a lamp. It is also old and well known to provide flanges to secure pieces together as evidenced by Yu's flanges (23).

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckmaster ('232) in view of Nicholl ('500).

Regarding claim 21, Buckmaster ('500) discloses in (figs. 1-4), a housing (48) mounted behind an opening or lens (42) in the plane of the wall, a battery (80), a charging/emergency switching circuit (see fig. 5) electrically connected to the battery (80), a wall mounted lens (42) having a directional lamp (18) mounted within the housing (48), the directional lamp (18) being located at the reflector assembly (60) wide end, and aimed generally toward the reflector, the directional lamp (18) being electrically connected to the battery (18) through the charging/emergency switching circuit as shown in (fig. 5), and a cover or lens (42) mounted over the wall opening, the cover (42) having an opening to allow light (18) from the reflector (60) to exit the housing (48).

Regarding claim 22 as shown in (fig. 4), the reflector assembly (60) has a plurality of planar reflecting surfaces which approximate the semi-frustoconical shaped.

Regarding claim 23 as shown in figs. 3-4) of Buckmaster, the reflector assembly (60) has a central reflector section and side reflector sections (not numbered). The side reflector sections located on either side of the central reflector, the side reflector sections sloping outward from the central reflector section.

However, Buckmaster's clear lens (42) does not have collecting reflector. Nicoll teaches that lens (45) may have a beam forming member (47). The beam forming member acts as a collecting reflector.

It would have been obvious to one having ordinary skill in the art that the lens member of Nicholl may be used for the device of Buckmaster in order to direct the light out of the cavity to increase brightness.

7. Claims 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckmaster ('232).

Regarding claims 29-33, while Buckmaster doesn't show second reflector, he does disclose first and second lamps (18 and 44). It would have been obvious to one having ordinary skill in the art to add a second reflector based on multiplicity of parts, since applicant has not established that a second reflector is critical on one hand, on the other hand, it has been held that mere duplication of the essential of working parts of a device involves only routine skill in the art.

8. Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckmaster ('232) in view of Yu (488566).

9. Buckmaster discloses an emergency light having a charger/emergency switching circuit. Buckmaster does not disclose a battery box.

10. Yu ('666) as shown in (fig. 1), a battery box having two batteries. The battery box has top, back and side walls. There is a top piece (5) that has flanges (23) to hold the piece in place. The battery box would have an aperture so batteries could be changed.

It would have been obvious to one having ordinary skill in the art to use the battery box of Yu for the device of Buckmaster, since providing a box for the batteries enables the batteries to make electrical contact to supply power to a lamp. It is also old and well known to provide flanges to secure pieces together as evidenced by Yu's flanges (23).

Allowable Subject Matter

11. Claims 26-27 and 39 are allowed.

1. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither teach nor suggest as cited above in claim 26, each side wall having an inward projections which is parallel with the housing bottom wall thereby forming a channel between the projection and the bottom wall, a thin rectangular chassis for supporting a charger/emergency switching circuit, the chassis having a tenon type projection along a back edge of

the chassis, the chassis being received within the housing channels such that the front edge of the chassis is held in place by the back edge of the battery box wedge shaped protuberance and the tenon projection mates with the mortise slot.

The prior art of record neither teach nor suggest as cited in claim 27, the limitations of a plurality of break-away tabs located around the periphery of the front portion, the break-away tabs extending outward along the plane of the front portion.

The prior art of record either singly or in combination, fails to anticipate or render obvious, the limitations of a cover having one or more circular openings wherein each opening has a rotatably engaged frustoconical reflector assembly. The cover extending beyond each of the side walls, top wall and bottom. The reflector assembly having a directional lamp mounted therein so that a portion of the directional lamp is enshrouded by a wide end of the frustoconical reflector assembly, as cited above in claim 39.

Contact Information

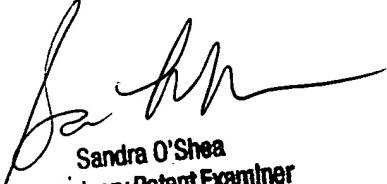
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner
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